

DETAILED ACTION

Status of Claims

1. This action is in reply to the Application filed on 20 February 2004.
2. Claims 1–15 are currently pending and have been examined.

Specification

3. The abstract of the disclosure is objected to because the following informalities: Near the middle of the abstract the sentence beginning with *A portion of the list may downloaded to field aides* appears to be missing a word and should read *A portion of the list may be downloaded to field aides*. The following sentence also appears to contain the misspelled word *filed* which apparently should read *field*. Correction is required. See MPEP § 608.01(b).
4. The disclosure is objected to because of the following informalities: the details in Figures 2-4 are not sufficiently shown in the disclosure as the various elements shown in the drawings are not delineated or described. Appropriate correction is required.

Claim Objections

5. Claim 11 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the **alternative only**—, and/or, --cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim 11 not been further treated on the merits.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: those steps that “allows the campaign to view”. The term “allows” is not a method step. The phraseology of this claim does not delineate a set of particular steps in accordance with MPEP § 2172.01.
8. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: those steps that “allows the campaign to view”. The term “allows” is not a method step. The phraseology of this claim does not delineate a set of particular steps in accordance with MPEP § 2172.01.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 12–15 are rejected under 35 U.S.C. 102(b) as being anticipated by Maptitude, *For Precinct and Election Management*.

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Claim 12:

Maptitude describes and/or discloses the following limitations as shown.

- a) *updating a targeted voter data file with GIS coordinates* (Maptitude, in at least page 1 states: “Once all voters have been geocoded, you can update voter counts in the block, precinct, district, and ballot style layers, and any other geographic layers you choose.” (emphasis added) where ‘update voter counts’ corresponds to *updating a targeted voter data file* ...and ‘geocoded’ and ‘layers’ corresponds to *targeted voter data file*. On page 2 therein, it is stated that “Maptitude P&E features full geographic editing. Add, remove, and realign streets, correct street names, address ranges and ZIP codes, split census blocks, add invisible features that define precinct boundaries, and make any other changes to the underlying geographic layers that are required.” (emphasis added). Finally, on page 3, Maptitude states: “Works with Most Voter Registration and GIS Software” and on page 3, “Complete GIS and mapping capabilities” (emphasis added) hence corresponds to *GIS coordinates*.);
- b) *extracting the GIS coordinates and addresses of the targeted voter data file* (Maptitude, on page 3 states: “Nationwide Address Matching and Geocoding”, hence corresponds to the limitation.);
- c) *overlaying the targeted voter data file onto a digital map using the GIS coordinates* (Maptitude, on page 3 states: “Wizards help you create maps, display data using meaningful themes, geocode information based on street address, and create precinct and redistricting plans.” (emphasis added) where ‘create maps’ corresponds to *overlaying ...targeted voter data onto a digital map* and where ‘using ...geocode information’ corresponds to *using the GIS coordinates*.);
- d) *graphically displaying the targeted voter data file overlayed onto a digital map, therein allowing a campaign or candidate to view the data* (In the preceding rejection, note that ‘display data using...’ corresponds to *graphically displaying*.)

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Claim 13:

Maptitude describes and/or discloses the limitations of claim 12 as shown above. Mapitude further describes and/or discloses the following limitations as shown.

- *the graphical display of data allows the campaign to generate groups of data based on geographic location* (Mapitude, in at least page 3 states: “It provides a complete set of desktop mapping and spatial analysis functions.” (emphasis added) and “• Feature Selection/Geographic Queries •Geographic Analysis” (emphasis added) where ‘feature selection’ and ‘geographic analysis’ in the context of GIS software corresponds to the limitation.).

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Claim 14:

Maptitude describes and/or discloses the limitations of claim 12 as shown above. Mapitude further describes and/or discloses the following limitations as shown.

- *the graphical display of data allows the campaign to view both the targeted voter data file and a data map, therein providing a visual representation of the subject areas* (Mapitude, on page 2 states: “Create a geographic layer of unique ballot styles based on any combination of other layers (e.g., precincts, congressional districts, state legislative districts, county commission districts, school board districts, etc.). Create a map for each ballot style or a map book for all styles.” (emphasis added) where the emphasized text indicates map creation using any number of ‘layers’ where such layers can define particular voters, hence corresponds to *targeted voter data* or *data map*. On page 1, Mapitude describes the “interface with most voter registration software and voter files”, and further, on page 2 provides for “Customized Precinct and Election Management” where “Mapitude P&E includes a Precinct and Election Management data CD customized for your jurisdiction with the following geographic data:...” hence allows for creation of maps based on particular *subject areas*.).

Claim 15:

Maptitude describes and/or discloses the limitations of claim 12 as shown above. Mapitude further describes and/or discloses the following limitations as shown.

- *the graphical display of data allows the campaign to view both the targeted voter data file after filtering per the campaign parameters and the current targeted voter data file, therein providing a visual cue of campaign progress* (Mapitude, in at least page 1 states: “Once all voters have been geocoded, you can update voter counts in the block, precinct, district, and ballot style layers, and any other geographic layers you choose.” (emphasis added) where ‘update voter counts’ leads to and corresponds to *the current targeted voter data file* ...and ‘geocoded’ and ‘layers’ corresponds to

targeted voter data file. On page 2 therein, it is stated that “Maptitude P&E features full geographic editing. Add, remove, and realign streets, correct street names, address ranges and ZIP codes, split census blocks, add invisible features that define precinct boundaries, and make any other changes to the underlying geographic layers that are required.” (emphasis added). Finally, on page 3, Maptitude states: “Works with Most Voter Registration and GIS Software” and on page 3, “Complete GIS and mapping capabilities” (emphasis added) hence has the capability to provide *a visual cue of campaign progress* as this provides graphical display of the data reflected in ‘geographic layers’ and based on *filtering* since the data are ‘updated’.).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- a) Determining the scope and contents of the prior art.
- b) Ascertaining the differences between the prior art and the claims at issue.
- c) Resolving the level of ordinary skill in the pertinent art.
- d) Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maptitude, For Precinct and Election Management in view of VEMACS (“Votec Election Management and Compliance System”)

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Claim 1:

Maptitude, as shown, describes and/or discloses the following limitations.

- a) *receiving a targeted voter data file identifying eligible voters* (Maptitude, on page 1 states: “Create street index files that can be imported into most voter registration software.” (emphasis added) where ‘imported’ corresponds to *receiving*. Maptitude further states: “Maptitude P&E can open and enhance voter files from your VR software. It includes sophisticated geocoding, resulting in a very high match rate. Addresses that don’t geocode can be “pinned in” using the mouse or sent to Caliper for custom geocoding. The geocoder automatically adds the precinct code and codes for any other layers requested by the user (e.g. census blocks, districts, and ballot styles). Once all voters have been geocoded, you can update voter counts in the block, precinct, district, and ballot style layers, and any other geographic layers you choose. Since this information is added to the original voter file, it is immediately available to the VR software.” (emphasis added) where the emphasized text corresponds to *identifying eligible voters* and reference to the term ‘layers’ corresponds to information associated with *targeted voter data*.);
- b) *filtering the targeted voter data file per campaign parameters, therein eliminating undesired fields and high risk voters to generate an updated targeted voter data file* (Maptitude, in at least page 1 states: “Once all voters have been geocoded, you can update voter counts in the block, precinct, district, and ballot style layers, and any other geographic layers you choose.” (emphasis added) where ‘update voter counts’ corresponds to *filtering the targeted voter data file*... ‘layers’ corresponds to *per campaign parameters*. On page 2 therein, it is stated that “Maptitude P&E features full geographic editing. Add, remove, and realign streets, correct street names, address ranges and ZIP codes, split census blocks, add invisible features that define precinct boundaries, and make any other changes to the underlying geographic layers that are required.” (emphasis added) where, ‘remove’ corresponds to

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*filtering...*Note that in the sidebar on page 1, it states “Update historical election results to new political boundaries” (emphasis added) where ‘historical election results’ correlates to *undesired fields and high risk voters.*);

Maptitude does not describe and/or disclose the following limitation(s), but VEMACS, as shown, does.

- c) *creating a latest early voted status data file, therein identifying voters that have voted in the early voting session* (VEMACS, on page 2, states: “Absentee and Early Voting [] Real time update of early voters” (emphasis added) where ‘real time update’ and ‘early voters’ corresponds to *creating ...voted status data file* that *identify[ies] voters ...*);
- d) *filtering the updated targeted voter data file using the latest early voted status data file to generate a latest targeted voter data file that is a subset of the targeted voter data file being filtered, therein identifying eligible voters that have not voted in the current election* (VEMACS, on page 1 states: “Creates poll book of eligible voters by birth date, eligibility and residence” (emphasis added) where ‘creates poll book...’ indicates an updated list of ‘eligible voters’ which *ipso facto* includes voters who have not voted, hence corresponds to the limitation.)

Maptitude provides a system and method for obtaining (receiving) and processing voter information from official voter files and using this data to provide analysis and reports on voter eligibility. VEMACS similarly provides sophisticated electronic methods to manage polling stations and other related election management system and further provides real-time updates of voter status, *i.e.*, whether a particular voter has become ineligible due to an earlier vote in a particular election. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the capabilities of Mapitude and VEMACS so as to avail election campaign managers with real-time updates on eligible voters so that managers can more efficiently target those voters who have not yet voted.

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Claim 6:

Maptitude/VEMACS describe and/or disclose the limitation of claim 1 as shown above. Maptitude further describes and/or discloses the following limitations as shown.

- *wherein steps b) and d) are accomplished with a processor* (Maptitude, in at least page 2 states: “An easy to use dialog box that manages precincting and redistricting plans on your computer or across a network.” (emphasis added) and further describes use of computers which correspond to *a processor* to effect steps b and d. as described in VEMACS (see the rejection of claim 1.).

Maptitude provides a system and method for obtaining (receiving) and processing voter information from official voter files and using this data to provide analysis and reports on voter eligibility. VEMACS similarly provides sophisticated electronic methods to manage polling stations and other related election management system and further provides real-time updates of voter status, *i.e.*, whether a particular voter has become ineligible due to an earlier vote in a particular election and provides for importing and exporting relevant voter information to and from remote sites such as precincts. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the capabilities of Maptitude and VEMACS so as to avail election campaign managers with real-time updates on eligible voters by downloading voter data file to computer processors so that managers can more efficiently target those voters who have not yet voted.

14. Claims 2–5 and 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maptitude/VEMACS as applied to claim 1 above, and further in view of Software & Computer Services Buyers' Guide (SCSBG).

Claim 2:

Maptitude/VEMACS describe and/or disclose the limitation of claim 1 as shown above. VEMACS, further describes and/or discloses the following limitations as shown.

- e) downloading at least a subset of the latest targeted voter data file to a field aide for field data collection* (VEMACS, on page 1 states: “• Manages precinct and polling

place consolidation • Creates poll book of eligible voters by birth date, eligibility and residence” and “Daily voter audit • Voter file exports by district and voter status” (emphasis added) where the emphasized text corresponds to information that is used and downloaded, as in ‘voter file exports’, to remote locations, namely precincts which corresponds to *downloading ...voter data file to a field aide* where the *field aide* can be a ‘poll worker’ as in “Poll Worker Management” and “Polling Place Management” in VEMACS page 2.).

- f) *updating the targeted voter data file with field data to generate a latest targeted voter data file* (VEMACS on page 2 states: “Manages in-office or remote voting with web interface” and “Real time update of early voters” (emphasis added) where ‘remote voting’ corresponds to *field data* and ‘real time update’ corresponds to *updating the targeted voter data file* by incorporating the *field data*.)

Note that Maptitude/VEMACS do not specifically describe and/or disclose the terms *field data collection*, but SCSBG does and describes on page 64 a product by Voter Solutions that provides for ‘voter contact management’ software solutions and can be used to track “voter data”. Maptitude provides a system and method for obtaining (receiving) and processing voter information from official voter files and using this data to provide analysis and reports on voter eligibility. VEMACS similarly provides sophisticated electronic methods to manage polling stations and other related election management system and further provides real-time updates of voter status, *i.e.*, whether a particular voter has become ineligible due to an earlier vote in a particular election and provides for importing and exporting relevant voter information to and from remote sites such as precincts using a product as shown in SCSBG. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the capabilities of Maptitude and VEMACS and SCSBG so as to avail election campaign managers with real-time updates on eligible voters so that managers can more efficiently target those voters who have not yet voted.

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Claim 3:

Maptitude/VEMACS/SCSBG describe and/or disclose the limitation of claim 2 as shown above.

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g) repeating steps c)- f), therein culling the targeted voter data file until the election has been decided (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the data processing and information technology arts that any data file that is subject to a method that updates data to reflect changes occurring in real-time or within short time intervals would commonly be repeated in a time frame on the scale of the real-time changes in the data.)

Maptitude provides a system and method for obtaining (receiving) and processing voter information from official voter files and using this data to provide analysis and reports on voter eligibility. VEMACS similarly provides sophisticated electronic methods to manage polling stations and other related election management system and further provides real-time updates of voter status, *i.e.*, whether a particular voter has become ineligible due to an earlier vote in a particular election and provides for importing and exporting relevant voter information to and from remote sites such as precincts. Moreover, it is old and well-known as well as commonplace in the information technology and data processing arts as indicated in the above **Official Notice** that any data file that is updated to reflect frequent changes in information would be updated repeatedly so as to allow changes in data to be continuously monitored and tracked. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the capabilities of Maptitude and VEMACS so as to avail election campaign managers with real-time updates on eligible voters so that managers can more efficiently target those voters who have not yet voted.

Claim 4:

Maptitude/VEMACS/SCSBG describe and/or disclose the limitation of claim 2 as shown above.

Maptitude further describes and/or discloses the following limitation.

- *step f) further comprises filtering the targeted voter data file to eliminate voters based on aggregate voter data* (Maptitude, on page 1 states: “**Reprecincting and Redistricting** Maptitude P&E contains a variety of tools for updating precinct boundaries. As you select geographic areas (such as census blocks), the software computes the number of registered voters being added to the precinct, along with any other summary fields you have identified. You can also create a list of registered voters and street segments where the precinct has changed. (See the back page for more on redistricting and reprecincting features.” (emphasis added) where ‘create a list...’ corresponds to *filtering the targeted voter data file* and ‘where the precinct has changed’ corresponds to using *aggregate voter data* as a precinct is an aggregation of voter data and as shown in the rejection of claim 1 above, Maptitude, on page 2, specifically refers to “remov[ing]” data from the voter data files. Although Maptitude does not specifically refer to removal of voter eligibility, VEMACS does and refers to removing eligibility indicators such as due to “early voting” as shown on page 2.).

Maptitude provides a system and method for obtaining (receiving) and processing voter information from official voter files and using this data to provide analysis and reports on voter eligibility. VEMACS similarly provides sophisticated electronic methods to manage polling stations and other related election management system and further provides real-time updates of voter status, *i.e.*, whether a particular voter has become ineligible due to an earlier vote in a particular election and provides for importing and exporting relevant voter information to and from remote sites such as precincts which corresponds to an aggregation of voter data. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the capabilities of Maptitude and VEMACS so as to avail election campaign managers

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with real-time updates on eligible voters so that managers can more efficiently target those voters who have not yet voted.

Claim 5:

Maptitude/VEMACS describe and/or disclose the limitation of claim 1 as shown above. SCSBG, further describes and/or discloses the following limitations as shown.

- *step e) further comprises downloading at least a subset of the targeted voter data file to a processor device for field data collection* (SCSBG, on page 4 describes and/or discloses a mobile computing device (Tracker Lite™ to which “voter data” can be downloaded.).

Maptitude provides a system and method for obtaining (receiving) and processing voter information from official voter files and using this data to provide analysis and reports on voter eligibility. VEMACS similarly provides sophisticated electronic methods to manage polling stations and other related election management system and further provides real-time updates of voter status, *i.e.*, whether a particular voter has become ineligible due to an earlier vote in a particular election and provides for importing and exporting relevant voter information to and from remote sites such as precincts. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the capabilities of Maptitude/VEMACS and SCSBG so as to avail election campaign managers with real-time updates on eligible voters by downloading voter data file to computer processors so that managers can more efficiently target those voters who have not yet voted.

Claim 7:

Maptitude/VEMACS/SCSBG describe and/or disclose the limitation of claim 2 as shown above.

Examiner takes **Official Notice** as shown below.

- *steps e) and f) are accomplished with a processor* (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the information technology arts to incorporate the use of a *processor* to effect steps involving the manipulation of data and information).

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Maptitude provides a system and method for obtaining (receiving) and processing voter information from official voter files and using this data to provide analysis and reports on voter eligibility. VEMACS similarly provides sophisticated electronic methods to manage polling stations and other related election management system and further provides real-time updates of voter status, *i.e.*, whether a particular voter has become ineligible due to an earlier vote in a particular election and provides for importing and exporting relevant voter information to and from remote sites such as precincts which corresponds to an aggregation of voter data. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the capabilities of Mapitude and VEMACS so as to avail election campaign managers with real-time updates on eligible voters using computer processors so that managers can more efficiently target those voters who have not yet voted.

Claim 8:

Maptitude/VEMACS/SCSBG describe and/or disclose the limitation of claim 2 as shown above.

Examiner takes **Official Notice** as shown below.

*h) manipulating the downloaded targeted voter data file, or portion thereof, to access further subsets of the downloaded data file (Although any of Mapitude/VEMACS/SCSBG do not specifically describe manipulating ...data...to access further subsets...Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the information processing arts to take *manipulate* and otherwise take advantage of any data that is necessary or convenient to achieve the goals for processing the information in the first place.).*

Maptitude provides a system and method for obtaining (receiving) and processing voter information from official voter files and using this data to provide analysis and reports on voter eligibility. VEMACS similarly provides sophisticated electronic methods to manage polling stations and other related election management system and further provides real-time updates of voter status, *i.e.*, whether a particular voter has become ineligible due to an earlier vote in a particular election and provides for importing and exporting relevant voter information to and from

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remote sites such as precincts which corresponds to an aggregation of voter data. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the capabilities of Maptitude and VEMACS so as to avail election campaign managers with real-time updates on eligible voters using computer processors so that managers can more efficiently target those voters who have not yet voted.

Claim 10:

Maptitude/VEMACS/SCSBG describe and/or disclose the limitation of claim 2 as shown above.

Maptitude further describes and/or discloses the following limitation.

g) generating groups of data based on geographic location (Maptitude, on page 1 states: "As you select geographic areas (such as census blocks), the software computes the number of registered voters being added to the precinct, along with any other summary fields you have identified. You can also create a list of registered voters and street segments where the precinct has changed." (emphasis added) where the emphasized text reflects a grouping based on 'select geographic areas', hence corresponds to the limitation.).

15. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maptitude/VEMACS/SCSBG as applied to claim 2 above, and further in view of McClure (20030066872 A1).

Claim 9:

Maptitude/VEMACS/SCSBG describe and/or disclose the limitation of claim 2 as shown above.

SCSBG further describes and/or discloses the following limitation.

- *step f) further comprises updating the targeted voter data file with field data via a wireless web connection and a wireless device, therein providing continuous updating and reporting* (SCSBG on page 4 describes and/or discloses the product 'Tracker Lite' which works with personal digital assistants (PDAs). It also refers to 'Remote Canvass Input Module'. Although SCSBG does not specifically refer to the use of a *wireless device*, McClure, as shown, does. McClure,

in at least [0158] states: “The advantage of providing wireless means for data communication is found in the fact that when the equipment is set up in the precinct, the TNC 50 and administration functions of the election are physically separated from the voting area.” (emphasis added) where the use of ‘wireless’ devices is used in a ‘voting area’, hence pertains to use of wireless technology within and among voting and election-related applications.)

Maptitude provides a system and method for obtaining (receiving) and processing voter information from official voter files and using this data to provide analysis and reports on voter eligibility. VEMACS similarly provides sophisticated electronic methods to manage polling stations and other related election management system and further provides real-time updates of voter status, *i.e.*, whether a particular voter has become ineligible due to an earlier vote in a particular election and provides for importing and exporting relevant voter information to and from remote sites such as precincts which corresponds to an aggregation of voter data. SCSBG describes use of PDAs and other mobile devices pertaining to election campaigns and McClure describes an ‘electronic voting system’ that incorporates use of wireless communications technology. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the capabilities of Maptitude, VEMACS, SCSBG and McClure so as to avail election campaign managers and other personnel with real-time updates on eligible voters using computer processors and mobile wireless devices so that managers can more efficiently target those voters who have not yet voted.

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Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to Dr. **Mark A. Fleischer** whose telephone number is **571.270.3925**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James A. Reagan** whose telephone number is **571.272.6710** may be contacted.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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Washington, D.C. 20231

or faxed to **571-273-8300**.

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Mark A. Fleischer, Ph.D.

/Mark A Fleischer/

Examiner, Art Unit 4143

11 April 2008

/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143